

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**TOREY CORTEZ SMITH**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 3:16CV85-GHD-DAS**

**CULLY DAVENPORT, ET AL.**

**DEFENDANTS**

**JUDGMENT**

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated June 16, 2016, and the objections thereto, the Court finds that Plaintiff's objections are without merit, and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the Court.

In his Report and Recommendation, the Magistrate Judge recommended that numerous Defendants be dismissed, as Plaintiff failed to state a constitutional claim against them. Plaintiff claims that the rights allegedly violated by Defendants originate in federal law and argues that process should, therefore, issue against them. However, Plaintiff has not identified any facts that alter the particular legal conclusions reached by the Magistrate Judge in his Report and Recommendation, and the Court finds said legal conclusions to be correct given the facts alleged in this case.

It is, therefore, **ORDERED**:

1. That Plaintiff's objections to the Magistrate Judge's Report and Recommendation are **OVERRULED**;

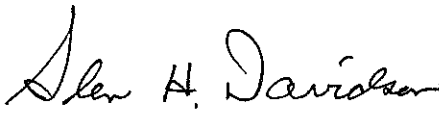
2. That the Report and Recommendation of the United States Magistrate Judge dated

June 16, 2016, is hereby **APPROVED AND ADOPTED** as the opinion of the Court;

3. That Defendants Chip Johnson, City of Hernando, David Clay Vanderburg, Board of Supervisors, Unknown Paige, Police Chief, Hernando Emergency Services, James Murphy, Phil Bryant, Marshall L. Fisher, Christy Gutherz, Unknown Clerk, DeSoto County Justice Court, Cody Smith, Baptist DeSoto Hospital, Mississippi Department of Corrections, the State of Mississippi, and John Does and Jane Does are **DISMISSED** from this cause; and

4. That Plaintiff's claims against Defendants Cully Davenport, Dexter Gates, and Tarra Davis will **PROCEED**.

**THIS** the 13<sup>th</sup> day of July, 2016.

  
**SENIOR U.S. DISTRICT JUDGE**